

Cynthia L. Alexander, Esq.  
Nevada Bar No.6718  
Brian A. Neighbarger, Esq.  
Nevada Bar No. 11225  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
Email: [calexander@swlaw.com](mailto:calexander@swlaw.com)  
[bneighbarger@swlaw.com](mailto:bneighbarger@swlaw.com)

*Attorneys for Defendants Wells Fargo Bank, N.A.,  
also named as Wells Fargo Home Mortgage, Inc.,  
and Wells Fargo Asset Sec. Corp., (collectively  
"Wells Fargo Bank, N.A."); HSBC Bank USA,  
N.A., Mercorp, Inc., and Mortgage Electronic  
Registration Systems, Inc.*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KAMAL P. LALWANI, SANCHI K.  
LALWANI individuals,

Plaintiffs,

vs.

WELLS FARGO BANK N.A.; WELLS  
FARGO HOME MORTGAGE, INC;  
WELLS FARGO ASSET SEC. CORP.;  
NATIONAL DEFAULT SERVICING  
CORP.; an Arizona Corporation; HSBC  
BANK USA, N.A. MERSCORP, INC, a  
Virginia Corporation, MORTGAGE  
ELECT. REG SYS., INC. a subsidiary of  
MERSCORP, Inc., a Delaware corporation;  
AND DOES I individuals 1 to 100  
Inclusive; and ROES Corporations 1 to 30,  
inclusive; and all other persons and entities  
unknown claiming any right, title, estate,  
lien or interest in the real property  
described in the Complaint adverse to  
Plaintiff's ownership, or any cloud upon  
Plaintiff's title thereto,

Defendants.

NO.

**NOTICE OF REMOVAL OF ACTION**

1 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

2 Defendants Wells Fargo Bank, N.A., also named as Wells Fargo Home Mortgage, Inc.,  
3 and Wells Fargo Asset Sec. Corp., (collectively "Wells Fargo"), HSBC Bank USA, N.A.  
4 ("HSBC"), Merscorp, Inc., and Mortgage Electronic Registration Systems, Inc. (collectively  
5 "MERS") pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, hereby remove to this Court,  
6 Case No. A-11-637340-C, currently pending in Department 15 of the Eighth Judicial District  
7 Court, Clark County, Nevada (the "Action"). The removal of this case is based on the following  
8 grounds.

9 **I.**

10 **Summary of Pleadings**

11 On March 18, 2011, Plaintiffs Kamal P. Lalwani and Sanchi K. Lalwani ("Plaintiffs")  
12 filed a Complaint, initiating the Action. A true and correct copy of Plaintiffs' Complaint is  
13 attached hereto as Exhibit A. On March 21, 2011, Plaintiffs filed a Notice of Motion and Motion  
14 for Preliminary Injunction, as well as Notice of Lis Pendens. See Exhibits B and C, respectively.  
15 Lastly, on April 12, 2011 Plaintiffs filed a Certificate of Service. See Exhibit D. No other  
16 pleadings or papers have been filed.

17 **II.**

18 **Nature of Complaint**

19 Plaintiffs' Complaint alleges unlawful foreclosure, and that Defendants conspired and  
20 engaged in deceptive practices. The causes of action asserted in the Complaint include: (1) Quiet  
21 Title; (2) Deceptive Trade Practices; (3) Wrongful Foreclosure; (4) Conspiracy To Commit Fraud  
22 and Conversion; (5) Statutorily Defective Foreclosure – NRS 107.080; (6) Broken Chain of  
23 Custody; (7) Wrongful Filing of Unlawful Detainer; (8) Injunctive Relief; (9) Declaratory Relief;  
24 and; (10) Rescission – Cancel Deed of Trust.

25 **III.**

26 **Statement of Jurisdiction**

27 **A. Federal Question**

28 This Court has original jurisdiction of the Action under 28 U.S.C. § 1331, and it is one

which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441 and 28 U.S.C. § 1446 in that it is an action arising under laws of the United States, including the following federal laws as pled by Plaintiffs: 12 U.S.C. § 2605(a); the Home Affordable Modification Program; and, 15 U.S.C. § 1681n(a)(2). *See* Complaint, Exhibit A, at ¶¶ 41, 47, and 50.

## **B. Diversity**

This Court also has original jurisdiction of the Action under 28 U.S.C. § 1332 as complete diversity exists between the Plaintiffs and Defendants, and the amount in controversy requirement is satisfied.

### **1. Complete Diversity Exists**

Plaintiffs are alleged to be residents of the State of Nevada. For diversity jurisdiction purposes, a national bank is a citizen of the state designated as its main office on its organization certificate. *See Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 306 (2006). Accordingly, Wells Fargo is a citizen of South Dakota – the state listed on Wells Fargo’s organization certificate. Defendant National Default Servicing Corporation is a citizen of Arizona. Defendant HSBC Bank U.S.A., N.A. is a citizen of Delaware. Defendants MERSCORP, Inc., and Mortgage Electronic Registration Systems, Inc., are citizens of Delaware and Virginia, as they are Delaware corporations with their principal places of business in Virginia. The citizenship of Does and Roes is disregarded for purposes of removal. *See* 28 U.S.C. § 1441(a).

Because the Plaintiffs are citizens of Nevada, and none of the Defendants is a citizen of Nevada, complete diversity exists.

### **B. The Amount in Controversy Requirement is Satisfied**

The Action satisfies the amount in controversy requirement under 28 U.S.C. § 1332. Plaintiffs are claiming monetary damages in an unspecified amount, that title to the subject property be quieted in their names free and clear, and for an award of costs of suit. *See Exhibit A*, “Prayer for Relief” at p. 19. The amount of damages claimed plus the value of the real property exceeds \$75,000.00. The aggregate amount of Plaintiffs’ claims, therefore, satisfies the amount in controversy requirement.

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## IV.

## Timeliness of Removal

A notice of removal must be filed within 30 days after receipt by the defendant of the initial pleading setting forth the claim for relief upon which the action is based. 28 U.S.C. § 1446(b). The thirty-day period for removal does not begin to run until a party has received a copy of the Complaint and has been properly served. *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999). Upon information and belief, Defendants were not properly served with a copy of the Summons and Complaint until April 26, 2011. Plaintiffs filed a certificate of service on April 12, 2011, indicating that the Complaint and Summons were mailed on April 7, 2011. Therefore, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because it is filed within one year of the commencement of this action and within thirty days of the date Wells Fargo was served with the Summons and Complaint. No other defendants have appeared.

## V.

## Conclusion

Because Defendants have timely filed a notice of removal of an action for which this Court has original jurisdiction, the Action must be removed to this Court.

Defendants will also timely file a Notice of Removed Action in the Eighth Judicial District Court, Clark County, Nevada, a true and correct copy of which is attached hereto as Exhibit E.

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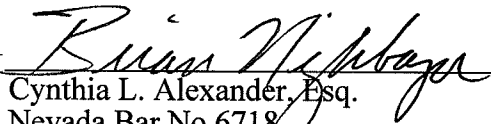
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1 In filing this Notice of Removal, Defendants do not waive, and specifically reserve, all  
2 defenses, exceptions, rights and motions. No statement herein or omission herefrom shall be  
3 deemed to constitute an admission by Defendants of any of the allegations or damages sought in  
4 the Complaint.

5 Dated: May 6, 2011

SNELL & WILMER L.L.P.

6  
7 By:   
8 Cynthia L. Alexander, Esq.  
9 Nevada Bar No. 6718  
10 Brian A. Neighbarger, Esq.  
11 Nevada Bar No. 11225  
12 3883 Howard Hughes Parkway  
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14 Las Vegas, NV 89169

15 *Attorneys for Defendants Wells Fargo Bank, N.A.,*  
16 *also named as Wells Fargo Home Mortgage, Inc.,*  
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Snell & Wilmer

LLP  
LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702)784-5200

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION** by the method indicated and addressed to the following:

  X   U. S. Mail

Kamal P. Lalwani  
Sanchi K. Lalwani  
2020 Barhill Avenue  
North Las Vegas, NV 89084  
702-326-7808  
Klalwani@gmail.com

*Plaintiffs Pro Se*

DATED this 4<sup>th</sup> day of May, 2011

\_\_\_\_\_  
An employee of Snell & Wilmer L.L.P.

**Snell & Wilmer**

LLP

LAW OFFICES  
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LAS VEGAS, NEVADA 89169  
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